IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3241 of 1995

Between:

1 Kunche Apparao @ Appala Raju, S/o. Sanyasi,
R/o. Pidatamamidi, Gangavaram Mandal, East Godavari District.
2 Kunche Balaramakrishna, S/o. Sanyasi,
R/o. Pidatamamidi, Gangavaram Mandal, East Godavari District.

..... PETITIONERS

AND

1 Collector, Kakinada, East Godavari District.
2 Dy. Collector, Tribal Welfare,
Rampachodavaram, East Godavari District.
3 Mandal Revenue Officer,
Gangavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to CMA.No. 2/94 on the file of Collector, Kakinada, confirming the orders of the Dy.Collector, Tribal Welfare, Rampachodavaram, in LTRP.No. 46/93 and issue WRIT OF CERTIORARI or any other appropriate WRIT, ORDER, or DIRECTION, quashing the order of the Collector, Kakinada, made in C.M.A.No.2/1994, confirming the order of the

Deputy Collector, Tribal Welfare, Rampachodavaram in L.T.R.P.No. 46/93, and pass such further or other orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.M.LAKSHMANA SARMA

Counsel for the Respondent No.2: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos.1 & 3: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed questioning the order of the second respondent-Deputy Collector, Tribal Welfare, East Godavari District, Rampachodavarm in LTRP.No.46 of 1993 dated 04.12.1993 and the order of the appellate authority, Collector, who is an agent to Government, East Godavari at Kakinada passed in C.M.A.No.2 of 1994, dated 06.02.1995 confirming the said order of the Deputy Collector.

When the matter is taken up for consideration, it is submitted by the learned counsel appearing for the petitioners that there is a further remedy of revision to the Government, against the orders passed by the appellate authority.

As per the provisions of the A.P. Scheduled Areas Land of Transfer Regulations 1 of 1959 as amended by Regulation No.1 of 1970, against the orders of the District Collector, there is a further remedy of revision to the Government. In that view of the matter, there is no reason to entertain the writ petition at this stage. As such, this writ petition is disposed of permitting the writ petitioners to avail the remedy of revision before the Government. If such revision is preferred within the period of six weeks from the date of receipt of a copy of this order, the revisional authority shall entertain the revision and dispose of the same on merits. As it is stated that the petitioners have been in continuous possession of the land in question, and

there is an interim order during the pendency of the writ petition, status-quo with regard to possession as on today shall be continued pending disposal of the revision by the Government. However, it is made clear that if no such revision is filed within the time stipulated above, it is open for the respondents to enforce the orders passed against the petitioners.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ (R.SUBHASH REDDY, J)

08.12.2004

DR

To

1 Collector, Kakinada, East Godavari District.
2 Dy. Collector, Tribal Welfare,
Rampachodavaram, East Godavari District.
3 Mandal Revenue Officer,
Gangavaram, East Godavari District.

4 2CCs to Government Pleader for Social Welfare, High

Court Buildings, Hyderabad. (OUT)

5 2CCs to Government Pleader for Revenue, High

Court Buildings, Hyderabad. (OUT)

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